

UNITED STATES DISTRICT COURT
District of New Jersey

UNITED STATES OF AMERICA

v.

Case Number 2-Cr. 13-786 (1)

D.C. AIR AND SEAFOOD, INC.

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, D.C. AIR AND SEAFOOD, INC. , was represented by William J. Hughes, Jr. Esq..

The defendant pled guilty to count(s) 1 of the Information on December 11, 2013. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>	<u>Count Number(s)</u>
18 U.S.C. 371 [16 U.S.C. 3372(d)(2) and 33353(d)(3)(A)(ii) and 18 U.S.C. 1519]	Conspiracy to Violate False Records Provision of Lacey Act and Obstruct Justice	Feb. 2007 through March 2008	1

As pronounced on September 4, 2014, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$400.00, for count(s) , which shall be due immediately. Said special assessment shall be made payable to the Clerk, U.S. District Court.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 9 day of SEPTEMBER, 2014.



HON. WILLIAM H. WALLS
Senior United States District Judge

Defendant: D.C. AIR AND SEAFOOD, INC.
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PROBATION

The defendant is hereby placed on probation for a term of 5 years.

While on probation, the defendant shall comply with the standard conditions that have been adopted by this court (set forth below):

If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution and shall comply with the following special conditions:

NO FURTHER VIOLATIONS

D.C. Air & Seafood, Inc. will commit no further violations of the Lacey act, the Magnuson-Stevens Fishery Conservation and Management Act, or other federal, state, or local law and shall conduct all of its operations in accordance [with] NOAA regulations and other federal state and local environmental regulations.

ENVIRONMENTAL COMPLIANCE PLAN

D.C. Air & Seafood, Inc. will develop, adopt, establish, implement and fund an Environmental Compliance Plan ("ECP") to ensure that all purchases and sales of fish or wildlife are consistent with the Lacey Ace and the Magnuson-Stevns Fishery Conservation and Management Act. The ECP shall include provisions for addressing compliance with th laws relating to the recording, accounting, labeling, identification, shipment, transportation, export, import, sale, purchase, control and possession of fish or wildlife, and addressing the training of employees regarding fish or wildlife matters. The ECP shall remain under the supervision of the Court for the duration of the term of probation. As part of the ECP, D.C. Air & Seafood, Inc. shall submit a bi-annual report to the Court and to the government signed by a duly authorized corporate officer regarding the status of the ECP and providing details, including but not limited to, the source, supplier, buyers, cost, purchase price, and applicable permits, for all sales, purchases, transportation, export and import, of fish or wildlife. As part of this agreement, D.C. Air & Seafood, Inc. agrees to provide NOAA, upon resonable notice, with full access to all offices, warehouses and vessels owned by D.C. Air & Seafood, Inc., its principals, officers, agents representatives, owners, employees and beneficiaries, and to all books and records. D.C. Air & Seafood, Inc. agrees to assume all reasonable costs associated with the implelmentation, maintenance and court oversight of the ECP and this special condition of probation.

BUSINESS RESTRICTION

As a further special condition of probation, D.C. Air & Seafood, Inc, will not participate in any aspect of the federally regulated scallop industry or obtain or seek to obtain permits to participate in a federally regulated scallop fishery.

{As an underlying foundation for this special condition, the Court must find that: (1) a reasonably direct relationship existed between the defendant's occupation, business or profession and the conduct relevant to the offense of conviction; (2) imposition of such a restriction is reasonably necessary to protect the public because there is reason to believe that, absent such restriction, the defendant will continue to engage in unlawful conduct similar to that for which the defendant was convicted; and (3) that the time frame and structure of the special condition is for the minimum time frame and to the minimum extent necessary to protect the public.}

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STANDARD CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this Judgment:

- 1) The defendant shall not commit another federal, state, or local crime during the term of supervision.
- 2) The defendant shall not illegally possess a controlled substance.
- 3) If convicted of a felony offense, the defendant shall not possess a firearm or destructive device.
- 4) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 5) The defendant shall report to the probation officer in a manner and frequency directed by the Court or probation officer.
- 6) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 7) The defendant shall support his or her dependents and meet other family responsibilities.
- 8) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 9) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 10) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances.
- 11) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 12) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 13) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 14) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 15) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 16) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- (17) You shall cooperate in the collection of DNA as directed by the Probation Officer.

(This standard condition would apply when the current offense or a prior federal offense is either a felony, any offense under Chapter 109A of Title 18 (i.e., §§ 2241-2248, any crime of violence [as defined in 18 U.S.C. § 16], any attempt or conspiracy to commit the above, an offense under the Uniform Code of Military Justice for which a sentence of confinement of more than one year may be imposed, or any other offense under the Uniform Code that is comparable to a qualifying federal offense);

- (18) Upon request, you shall provide the U.S. Probation Office with full disclosure of your financial records, including co-mingled income, expenses, assets and liabilities, to include yearly income tax returns. With the exception of the financial accounts reported and noted within the presentence report, you are prohibited from maintaining and/or opening any additional individual and/or joint checking, savings, or other financial accounts, for either personal or business purposes, without the knowledge

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and approval of the U.S. Probation Office. You shall cooperate with the Probation Officer in the investigation of your financial dealings and shall provide truthful monthly statements of your income. You shall cooperate in the signing of any necessary authorization to release information forms permitting the U.S. Probation Office access to your financial information and records;

(19) As directed by the U.S. Probation Office, you shall participate in and complete any educational, vocational, cognitive or any other enrichment program offered by the U.S. Probation Office or any outside agency or establishment while under supervision;

(20) You shall not operate any motor vehicle without a valid driver's license issued by the State of New Jersey, or in the state in which you are supervised. You shall comply with all motor vehicle laws and ordinances and must report all motor vehicle infractions (including any court appearances) within 72 hours to the U.S. Probation Office;

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Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions, and have been provided a copy of them.

You shall carry out all rules, in addition to the above, as prescribed by the Chief U.S. Probation Officer, or any of his associate Probation Officers.

(Signed) _____
Defendant Date

_____ U.S. Probation Officer/Designated Witness Date

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RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the amount of \$520,371.00. The Court will waive the interest requirement in this case. Payments should be made payable to the **U.S. Treasury** and mailed to Clerk, U.S.D.C., 402 East State Street, Rm 2020, Trenton, New Jersey 08608, for distribution to National Oceanic and Atmospheric Administration (NOAA0, Govt. To submit address to the Courts..

The amount ordered represents the total amount due to the victim for this loss. The defendant's restitution obligation shall not be affected by any restitution payments made by other defendants in this case, except that no further payment shall be required after the sum of the amounts actually paid by all defendant has fully satisfied this loss. The following defendant(s) in the following case(s) may be subject to restitution orders to the same victim for this same loss :

Christopher Byers

Cr. # 13-783

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.